



Office of Public Instruction Policy

Policy: OPI 1.1.3	Subject: Ethics/Conflict of Interest (Board Membership)
Chapter 1: Administration and Management	Page 1 of 3 Attachment: Membership Form
Section: 1	Effective Date: August 6, 2012
Owner: Chief Legal Counsel	Revised:

I. POLICY

It is the policy of the Office of Public Instruction (OPI) to adhere to the State of Montana Operations Manual policy number 03-0180 entitled “State Ethics Policy.” The policy requires mandatory state ethics training for all state employees: <http://hr.mt.gov/content/hrpp/docs/Policies/MOM/Ethics>. The mandatory training will be available on OPI’s training management system: <http://www.opi.learningzen.com>.

In addition to the Department of Administration “State Ethics Policy” cited above, this policy addresses conflict of interest when OPI employees serve on education-related boards of directors, councils or committees.

II. APPLICABILITY

This policy applies to all OPI departments, divisions and programs.

III. CONFLICT OF INTEREST WHEN SERVING ON BOARDS

A. APPROVAL

1. An OPI employee wishing to serve on the board of directors of an education-related organization shall review the potential for conflict of interest before becoming a board member.
2. If an employee is appointed to a board, council or committee as part of the employee’s job duties, the employee’s supervisor shall complete the Board Membership Form found at: [Board Membership Form 2012.docx](#).
3. If board membership is offered to an OPI employee by an education-related organization, but membership is not part of the person’s OPI job duties, the employee shall discuss the board appointment with his or her Division Administrator before accepting the position and obtaining

approval to serve on the board. The employee shall complete the Board Membership Form at: [Board Membership Form 2012.docx](#).

4. There is potential conflict of interest if the organization could receive a direct benefit from official acts performed by the OPI employee in that person's capacity as a state employee. The prime indicator of a potential conflict of interest is when the organization receives funding from the OPI. If the organization receives any funds administered by the OPI, the employee must consider whether he or she is in a position to influence the distribution of the funds, and if so, decline membership on the board.
5. State employees hold a position of public trust. As such, for the purposes of this policy, a perception of conflict of interest may be equivalent to an actual conflict of interest.

B. IMPLEMENTATION

1. Each such appointment will be reviewed on a case-by-case basis taking into consideration the totality of the circumstances. A conflict of interest may be found to exist when the particular organization may reap substantial benefit from the OPI employee's service on the board. This will be especially apparent when the employee is in the position to influence the direction of funds from the OPI to the organization.
2. When there is a possibility of a conflict of interest, the OPI Division Administrator and Assistant Superintendent shall review the appointment with the OPI Legal Counsel and together they will determine whether the employee's service on such board presents a conflict of interest as defined and contemplated in this policy or Title 2, Chapter 2, Part 1, MCA. The Division Administrator will notify the employee of the agency determination.

IV. CLOSING

Questions related to the implementation of this policy should be directed to the Chief Legal Counsel.

V. REFERENCES

Montana Code of Ethics, § 2-2-101, et. seq., MCA.

Montana Operations Manual policy number 03-0180:

<http://hr.mt.gov/content/hrpp/docs/Policies/MOM/Ethics>

Employees Guide to Standards of Conduct in Montana State Government (March 2011):

<http://hr.mt.gov/content/hrpp/docs/Guides/standardsofconductguide.doc>

VI. ATTACHMENTS

Board Membership Form: [Board Membership Form 2012.docx](#)

